

**MEDICAL LICENSING BOARD OF INDIANA
INDIANA GOVERNMENT CENTER SOUTH
302 WEST WASHINGTON STREET
CONFERENCE CENTER ROOM C
INDIANAPOLIS, INDIANA 46204**

MINUTES OF OCTOBER 23, 2008

Stephen Huddleston, J.D., President called the meeting to order at 9:40 a.m. and declared a quorum in accordance with IC 25-22.5.

Members Present: Stephen Huddleston, J.D., Consumer
Member, President
Bharat Barai, M.D.
(left for the day at 3 p.m.)
Robert Allen, M.D.
Thomas Akre, D.O., Secretary
(arrived at 9:50 a.m.)
Donald Vennekotter, M.D.

Members Absent: Navin Barot, M.D., Vice President
Worthe Holt, Jr., M.D.

Staff Present: Kristen Kelley, Board Director
Professional Licensing Agency
Jody Edens, Assistant Board Director
Professional Licensing Agency
James Schmidt, Deputy Attorney General
Office of the Attorney General

The Board voted to adopt the agenda and addendum as amended.

Participating Board Members: Stephen Huddleston, J.D., Bharat Barai, M.D.,
Donald Vennekotter, M.D., Robert Allen, M.D.

Allen/Barai, 4/0/0
Motion carries

The Board voted to adopt the minutes of the September 25, 2008 meeting.

Participating Board Members: Stephen Huddleston, J.D., Bharat Barai, M.D.,
Donald Vennekotter, M.D., Robert Allen, M.D.

RULE HEARING

Participating Board Members: Stephen Huddleston, J.D., Donald Vennekotter, M.D., Bharat Barai, M.D., Robert Allen, M.D.

Public Hearing on Rules concerning Occupational Therapy Continued Competency: LSA Document #08-418: The Board held a public hearing for comments on the Occupational Therapy Continued Competency; LSA Document #08-418. Jeanette Roberts, Board Director for the Occupational Therapy Committee and Sharon Barr, Committee Member appeared in person to answer any questions or concerns the Board may have.

The following addressed the Board with their comments and concerns:

Thomas Fisher, Chair of the Legislative & Advocacy Committee of the Indiana Occupational Therapy Association, submitted some proposed amendments to the rule.

The Board thanked everyone for their comments and concerns. After discussion the Board moved to TABLE the rule in order to take Dr. Fisher's comments into consideration.

Allen/Barai, 4/0/0
Motion carries

ADMINISTRATIVE HEARINGS

Helmut Ahlert, M.D., License No. 01059114A, Cause No. 2005 MLB 0052

Respondent did not appear in person but was represented by John Coghlin regarding a Petition to Surrender License scheduled before the Board. The State of Indiana was represented by Elizabeth Keifner-Crawford, Deputy Attorney General and the court reporter sworn in for this matter was Sherri Rutledge with Rutledge Independent Reporting.

Participating Board Members: Stephen Huddleston, J.D., Donald Vennekotter, M.D., Thomas Akre, D.O., Robert Allen, M.D.

Dr. Ahlert is currently living and working in Germany. His visa has expired therefore he is unable to come to the United States to attend this hearing.

An agreement between the Respondent, his counsel and the Attorney General's Office was presented to the Board. The agreement included a VOLUNTARY and PERMANENT SURRENDER of his Indiana license.

After reviewing the agreement and taking official notice of its file in this matter the Board moved to APPROVE the agreement.

Vennekotter/Allen, 3/0/1 with Dr. Akre abstaining
Motion carries

Anthony Alexander, M.D., License No. 01050375A, Cause No. 2008 MLB 0015

Respondent did not appear in person and was not represented by counsel regarding a final hearing scheduled before the Board. The State of Indiana was represented by Elizabeth Kiefner-Crawford, Deputy Attorney General and the court reporter sworn in for this matter was Sherri Rutledge with Rutledge Independent Reporting.

Participating Board Members: Stephen Huddleston, J.D., Donald Vennekotter, M.D., Thomas Akre, D.O., Robert Allen, M.D.

Ms. Kiefner-Crawford informed the Board that the Order issuing discipline on the Respondent's Illinois license was vacated. Since Indiana's complaint was based solely on the Illinois action, the Attorney General's Office requests that this matter be dismissed.

After having considered the evidence presented and taking official notice of its file in this matter the Board moved to DISMISS this matter.

Allen/Akre, 4/0/0
Motion carries

John Jurige, M.D., License No. 01039534A, Cause No. 2006 MLB 0043

Respondent did appear in person and was represented by Kevin Marino regarding a Settlement Agreement scheduled before the Board. The State of Indiana was represented by Elizabeth Kiefner-Crawford, Deputy Attorney General and the court reporter sworn in for this matter was Sherri Rutledge with Rutledge Independent Reporting.

Participating Board Members: Stephen Huddleston, J.D., Donald Vennekotter, M.D., Bharat Barai, M.D., Robert Allen, M.D., Thomas Akre, D.O.

There is no evidence that Dr. Jurige was prescribing to the residents of Indiana via the internet.

An agreement between the Respondent, his counsel and the Attorney General's Office was presented to the Board. The agreement included a LETTER OF REPRIMAND and a \$250 FINE.

After reviewing the agreement and taking official notice of its file in to consideration the Board moved to APPROVE the agreement.

Barai/Vennekotter, 3/0/2, with Dr's. Akre and Allen abstaining
Motion carries

Donald Kotoske, D.O., License No. 02000484A, Cause No. 2008 MLB 0033

Respondent did appear in person and was represented by Kathleen Brickley regarding a Settlement Agreement scheduled before the Board. The State of Indiana was represented by Thomas McGee, Deputy Attorney General and the court reporter sworn in for this matter was Sherri Rutledge, with Rutledge Independent Reporting.

Participating Board Members: Stephen Huddleston, J.D., Donald Vennekotter, M.D., Bharat Barai, M.D., Robert Allen, M.D., Thomas Akre, D.O.

An agreement between the Respondent, his counsel and the Attorney General's Office was presented to the Board. The agreement included a LETTER of REPRIMAND and VOLUNTARILY and PERMANENTLY SURRENDER his State Controlled Substances Registration and 12 HOURS of Continuing Medical Education in record keeping that has been approved by the Board.

After reviewing the agreement and taking official notice of its file in this matter the Board moved to APPROVE the agreement.

Allen/Vennekotter, 3/0/2, with Dr's. Barai and Akre abstaining
Motion carries

Jiade Lu, M.D., License No. 01049699A, Cause No. 2004 MLB 0024

Respondent did appear in person and was represented by Donald Schechter regarding a Settlement Agreement scheduled before the Board. The State of Indiana was represented by Elizabeth Kiefner-Crawford, Deputy Attorney General and the court reporter sworn in for this matter was Sherri Rutledge with Rutledge Independent Reporting.

Participating Board Members: Stephen Huddleston, J.D., Donald Vennekotter, M.D., Bharat Barai, M.D., Robert Allen, M.D.

An agreement between the Respondent, his counsel and the Attorney General's Office was presented to the Board. The agreement included VOLUNTARY and PERMANENT RETIREMENT of his Indiana license and a \$2,000 FINE.

After reviewing the agreement and taking official notice of its file in this matter the Board moved to APPROVE the agreement.

Vennekotter/Barai, 3/0/1 with Dr. Allen abstaining

Motion carries

Nancy Noel, M.D., License No. 01045991A, Cause No. 2005 MLB 0007

Respondent did appear in person and was not represented by counsel regarding a Request to Withdraw the Order of Probation. The State of Indiana was represented by Thomas McGee, Deputy Attorney General and the court reporter sworn in for this matter was Sherri Rutledge with Rutledge Independent Reporting.

Participating Board Members: Stephen Huddleston, J.D., Donald Vennekotter, M.D., Bharat Barai, M.D., Robert Allen, M.D., Thomas Akre, D.O.

Kristen Kelley, Board Director was sworn in as a witness.

Ms. Kelley testified that Dr. Noel is in complete compliance with her probationary order.

Dr. Noel stated that her sobriety date is October 20, 2003 and has met all of ISMA's requirements.

A letter from Dr. Frick with the Indiana State Medical Association was submitted to the Board. The letter indicated that Dr. Noel has completed all requirements of the physician recovery program.

After having considered the evidence presented and taking official notice of its file in this matter the Board moved to WITHDRAW the Order of Probation.

Barai/Akre, 5/0/0

Motion carries

Kirnjot Singh, M.D., License No. 01047531A, Cause No. 2007 MLB 0005

Respondent did appear in person and was represented by Peter Pogue regarding a Request to Withdraw the Order of Probation scheduled before the Board. The State of Indiana was represented by Elizabeth Kiefner-Crawford, Deputy Attorney General and the court reporter sworn in for this matter was Sherri Rutledge with Rutledge Independent Reporting.

Participating Board Members: Stephen Huddleston, J.D., Donald Vennekotter, M.D., Bharat Barai, M.D., Robert Allen, M.D.

Kristen Kelley, Board Director was sworn in as a witness.

Ms. Kelley testified that the Respondent has completed all terms of his probation order.

Dr. Singh informed the Board that the State of New York has suspended his license based upon action taken in Indiana. He stated this action is currently under appeal based upon incorrect information.

After having considered the evidence presented, testimony of the witness and taking official notice of its file in this matter the Board moved to TABLE this matter pending the appeal in New York.

Barai/Allen, 4/0/0
Motion carries

Steve Johnson, Esquire came forward and stated that he represents William Pierce, M.D. and requested that he be allowed to speak and enter a Brief of Amicus Curiae William Pierce M.D.

After discussion the Board moved to ALLOW Mr. Johnson's testimony and to enter the brief but limiting it to the New York information only. The Board further requested that the Attorney General's Office look into this matter and to review the information.

Allen/Barai, 4/0/0
Motion carries

The Board took a brief recess.

Upon reconvening the Board further discussed the issue at hand. The Respondent was asked by the Board if he wished to continue this hearing or proceed. The Respondent indicated to the Board that he wish to proceed.

Dr's. Allen and Barai withdrew their motion to TABLE this matter. All parties have agreed to proceed with the hearing.

Mr. Johnson was sworn in as a witness to testify about the contents in the Amacus brief.

After having considered the evidence presented, testimony of the witnesses and taking official notice of its file in this matter the Board moved to WITHDRAW the Order of Probation.

Barai/Allen, 4/1/0, with Dr. Akre objecting
Motion carries

Glenna Joanne Trockman, M.D., License No. 01036500A, Cause No. 95 MLB 0054

Respondent did appear in person and was not represented by counsel regarding a Request to Reinstate scheduled before the Board. The State of Indiana was represented by Thomas McGee, Deputy Attorney General and the court reporter sworn in for this matter was Sherri Rutledge with Rutledge Independent Reporting.

Participating Board Members: Stephen Huddleston, J.D., Bharat Barai, M.D., Thomas Akre, D.O., Donald Vennekotter, M.D., Robert Allen, M.D.,

Jeffrey Travers, M.D., IU Residency Program Director was sworn in as a witness for the Respondent.

Dr. Travers testified that he has agreed to have Dr. Trockman do an Observership with him and his department three (3) days a week. The Observership consists of her observation of clinicals and will include a broad range of pediatric and adult dermatology.

Dr. Travers stated that an Observership is not uncommon. It will give her the ability to learn the advances of the last eight (8) years and gives the physician the ability to access her.

Dr. Trockman is scheduled to take her Boards in May of 2009.

In discussion, Dr. Travers stated that he understands that the Board wishes him to develop a program and submit the plan of what he expects Dr. Trockman to do to the Board. The Board approved for him to submit this plan in writing.

After having considered the evidence presented, testimony of the witness and taking official notice of its file in this matter the Board moved to TABLE this matter until December so Dr. Trockman may submit the plan with Dr. Travers.

Allen/Akre, 5/0/0
Motion carries

Joseph Wright, M.D., License No. 01023731A, Cause No. 2008 MLB 0020

Respondent did appear in person and was not represented by counsel regarding a Final Disciplinary Hearing scheduled before the Board. The State of Indiana was represented by Thomas McGee, Deputy Attorney General and the court reporter sworn in for this matter was Sherri Rutledge with Rutledge Independent Reporting.

A settlement between the Respondent and the Attorney General's Office was presented to the Board. The settlement included a FINE in the amount of \$500.

After reviewing the settlement and taking its file into consideration the Board moved to APPROVE the agreement.

Akre/Vennekotter, 4/0/1, with Dr. Allen abstaining
Motion carries

Rodney Dempsey, SHAD, License No. 40002279A, Cause No. 2007 MLB 0022

Respondent did not appear in person and was not represented by counsel regarding an Order to Show Cause scheduled before the Board. The State of Indiana was represented by Heather Kennedy, Deputy Attorney General and the court reporter sworn in for this matter was Sherri Rutledge with Rutledge Independent Reporting.

Participating Board Members: Stephen Huddleston, J.D., Bharat Barai, M.D., Thomas Akre, D.O., Donald Vennekotter, M.D., Robert Allen, M.D.,

After having considered the evidence presented and taking official notice of its file in this matter the Board moved to issue a NOTICE OF PROPOSED DEFAULT.

Allen/Barai, 5/0/0
Motion carries

PERSONAL APPEARANCES

INITIAL/RENEWAL APPLICANTS

The following personal appearance did not appear as scheduled:

John Truitt, M.D. – withdrew his application

The following appeared before the full Board for their scheduled personal appearances and were sworn in under oath.

Mohammad Abuel-Haija, M.D. – Dr. Abuel-Haija appeared before the Board regarding a positive response on his initial application for licensure and was represented by John Ittenbach.

Participating Board Members: Stephen Huddleston, J.D., Thomas Akre, D.O., Donald Vennekotter, M.D., Robert Allen, M.D.

After discussion the Board moved to TABLE this matter for additional information.

- Dr. Abuel-Haija must attend one more session with his Psychologist and have a report generated to the Board regarding this session.

- Dr. Abuel-Haija must request from his Psychologist an evaluation report on all previous sessions and send a copy to the Board.
- He must submit to the Board a copy of his residency application he submitted to IUPUI.
- He must submit a copy of the acceptance letter from IUSOM.

Allen/Akre, 4/0/0
Motion carries

Daniel Anzaldua, M.D. – Dr. Anzaldua appeared before the Board regarding a waiver of his Medical School and was not represented by counsel.

Participating Board Members: Stephen Huddleston, J.D., Thomas Akre, D.O., Donald Vennekotter, M.D., Robert Allen, M.D.

Dr. Anzaldua graduated from Saba University May 2003. In using the CA recognized list as a tool to determine if a foreign medical school is acceptable, Saba is listed as approved coursework from 1/1/2002 forward.

Dr. Anzaldua presented the following information to show his exceptional qualifications:

- Completed a three (3) year Residency at St. Vincent's Hospital in Indiana
- Completed Fellowship in Interventional Nephrology at St. Louis MO
- Is Board certified in Internal Medicine
- Passed the USMLE all three (3) steps in the first try with 80 and above scores
- Submitted letters of support from Physician's at St. Vincent Hospital
- Submitted a comparison of the curriculum that is recognized and the part that is not showing that they were no significant changes

After discussion the Board moved to GRANT the waiver for his Medical School. The Board based their waiver on the following exceptional qualifications:

- Completed a three (3) year Residency at St. Vincent's Hospital in Indiana
- Completed Fellowship in Interventional Nephrology at St. Louis MO
- Is Board certified in Internal Medicine
- Passed the USMLE all three (3) steps on the first attempt with 80 and above scores
- Submitted letters of support from Physician's at St. Vincent Hospital
- Submitted a comparison of the curriculum that is recognized and the part that is not recognized showing that they were no significant changes in the curriculum
- He has 1year 5months of recognized coursework at Saba.
- He has an active license in Missouri.

Allen/Vennekotter, 4/0/0
Motion carries

Doina Saxman, M.D. – Dr. Saxman appeared before the Board regarding a waiver of her post graduate training; a waiver of the USMLE three (3) attempts

rule and a positive response on her initial application and was not represented by counsel.

Participating Board Members: Stephen Huddleston, J.D., Thomas Akre, D.O., Donald Vennekotter, M.D., Robert Allen, M.D.

The Board indicated that Dr. Saxman must complete her residency requirements before they could consider her application for an initial license. The Board gave Dr. Saxman the opportunity to withdraw her application.

Dr. Saxman requested to withdraw her application.

After discussion the Board moved to ALLOW Dr. Saxman to withdraw her application for initial licensure.

Akre/Allen, 4/0/0
Motion carries

James Kemper, D.O. – Dr. Kemper appeared before the Board regarding a positive response on his initial application for licensure and was represented by Kent Smith.

Participating Board Members: Stephen Huddleston, J.D., Thomas Akre, D.O., Donald Vennekotter, M.D., Robert Allen, M.D.

Dr. Kemper was dismissed from his place of employment in 2003 for failing to comply with his Medical Director's guidelines for prescribing controlled substances.

In 2008, Dr. Kemper resigned from his position after being placed on suspension following a review of a chart on a patient that passed away. The ER Physician noted the possibility of an overdose in the patient's chart. Dr. Kemper had been prescribing controlled substances to this patient.

Kay Pflum, Director of Staff Services and Steven Hillpiper with Fayette Hospital were sworn in as witness for Dr. Kemper. Mr. Hillpiper stated that they will monitor Dr. Kemper's use of prescription drugs.

After discussion the Board moved to APPROVE Dr. Kemper's application for licensure on INDEFINITE PROBATION for a period of one (1) year with the following terms:

- Two (2) CME courses. One in narcotics prescribing and one in medical records. These courses must be submitted to the Board for pre-approval and must be completed within six (6) months of the order.
- Section Chief must do random review of charts to ensure correct prescribing and documentation. Dr. Kemper must keep a controlled substance log and from this log a random selection of 1 out of every 5 charts must be reviewed for the first month and 1 out of every 15 charts reviewed per month thereafter for the year of probation.

- Quarterly report from Dr. Kemper's Section Chief reporting on chart review listed above and medical records.

Vennekotter/Akre, 4/0/0
Motion carries

Emmeline Hazaray, M.D. – Dr. Hazaray appeared before the Board regarding a waiver of the USMLE three (3) attempts rule and was represented by David Jose.

Participating Board Members: Stephen Huddleston, J.D., Thomas Akre, D.O., Donald Vennekotter, M.D., Robert Allen, M.D., Bharat Barai, M.D.

Dr. Hazaray passed the USMLE Steps 1 and 3 on the fourth (4th) try. According to 844 IAC 4-4.5-12 (2) "An applicant may have a maximum of three (3) attempts to pass each step of the USMLE....."

Anant Shekhaker, M.D., Alan Schmetzer, M.D and Jeffrey Kellams, M.D. were sworn in as witnesses for Dr. Hazaray.

Anantha Shekhar, M.D., PhD, Associate Dean of Translational Research at Raymond E. Houk and Professor of Psychiatry and Professor of Pharmacology and Neurobiology at IUSOM stated that Dr. Hazaray has exceptional training relating to psychiatric medications for children as a result of her fellowship in clinical psychopharmacology. He also stated she was one of his fellows and is very caring and competent physician. He stated that Indiana has a substantial shortage of Child Psychiatrists. He supports Dr. Hazaray obtaining an Indiana license.

Alan Schmetzer, M.D., Vice Chair of Education and Director of Resident Education (Dept of Psychiatry) at IUSOM. Dr. Schmetzer stated that Dr. Hazaray was a Chief Resident for two (2) years and only the best are chosen as chiefs. He stated that the psychopharmacology fellowship that Dr. Hazaray completed is a very intensive program. He stated that there are very few trained child and adolescent psychologists.

Jeffrey Kellams, M.D., Professor of Clinical Psychiatry and Medical Director of Midtown Community Mental Health Center. Dr. Kellams stated that Midtown has offered Dr. Hazaray a position that will include both clinical and teaching/supervising of residents and medical students that rotate through Midtown. He stated that Dr. Hazaray would be required to take and pass her certification boards within five (5) years of her employment. She will be serving the underserved public.

After discussion, the Board moved to GRANT the waiver for the USMLE three (3) attempts rule. The Board specified that this license is only for employment at IUSOM and all of its venues. The Board granted this license with the agreed

arrangement that Dr. Hazaray will be employed at Midtown Community Mental Health Center and all other IUSOM venues.

The Board also stated that the practice location arrangement is not intended, and should not be construed, as an adverse action or limitation or restriction to be disclosed to other licensing authorities, credentialing organizations or third parties. She has been approved for a full unrestricted license.

The Board also stated that should Dr. Hazaray wish to remove or modify the practice location arrangements, she may petition the Board for an appearance.

The Board based their approval of the waiver on the following:

- Several letters of support from prominent physicians in our community
- Testimony of three (3) prominent physicians from IUSOM
- Residency training at IUSOM
- Two fellowships; Child/Adolescent and Psychopharmacology
- Need for a physician with education in Child/Adolescent Psychiatry
- Licensed in and practiced for three (3) years in California
- Letter of support from D. Craig Brater, Dean of IUSOM
- Two (2) years as Chief Resident

Barai/Akre, 5/0/0

Motion carries

Raymond Krzyzaniak, M.D. – Dr. Krzyzaniak appeared before the Board regarding positive responses on his initial application for licensure and was not represented by counsel.

Participating Board Members: Stephen Huddleston, J.D., Thomas Akre, D.O., Donald Vennekotter, M.D., Robert Allen, M.D.,

Dr. Krzyzaniak is planning to attend a fellowship at IUSOM under John Eble, M.D.

Dr. Krzyzaniak had action on his North Carolina license. It was suspended on September 17, 2006 and reinstated on November 15, 2007. He is currently being monitored by the North Carolina Physicians Health Program.

After discussion the Board moved to APPROVE Dr. Krzyzaniak's application for licensure pending the following documents:

- Contract with ISMA
- Letter of acceptance from the fellowship program

Akre/Allen, 4/0/0

Motion carries

REVIEW OF INITIAL APPLICATIONS

Participating Board Members: Stephen Huddleston, J.D., Robert Allen, M.D., Donald Vennekotter, M.D., Thomas Akre, D.O.

The Board reviewed the positive response information on the following applicants and approved them for issuance: Akre/Vennekotter, 4/0/0

Aswath Mugabala, M.D.
Aaron Bruns, M.D.
William Hutchison, M.D.

Layman Brothers, M.D.
Changhyun Choi, M.D.
Thomas Miller, M.D.

The Board reviewed the positive response information on the following applicants and requested that they personally appear before the Board: Allen/Akre, 4/0/0

Steven Benecke, M.D.
James Price, D.O.

Khaled Osman, D.O.
James St. George, M.D.

The Board reviewed and approved the following Physician Assistant Prescriptive Authority applications: Akre/Allen, 4/0/0

Participating Board Members: Stephen Huddleston, J.D., Robert Allen, M.D., Donald Vennekotter, M.D., Thomas Akre, D.O.

Daniel England, 10000272A
Amber Hawn, 10000957A
Alissa Kirby, 10000951A
Elizabeth Simpson, 10000745A
Ronald West, 10000097A
Angela Roberts, 10000258A
Lisa Rauscher, 10000434A

Mary Fichtinger, initial application
Jeremy Holman, 10000937A
Letitia Lynch, 10000846A
Jeannine Suarez, 10000820A
Sara Wetli, 10000953A
Paula Ceh, initial application

OLD BUSINESS/NEW BUSINESS

Participating Board Members: Stephen Huddleston, J.D., Robert Allen, M.D., Donald Vennekotter, M.D., Thomas Akre, D.O.

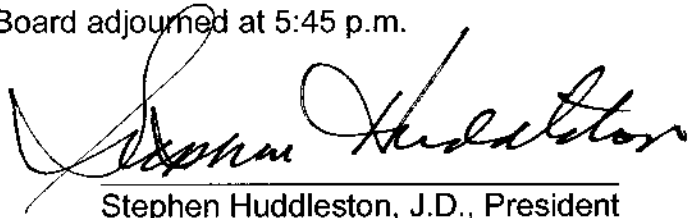
Physician Assistant Rules: Ms. Kelley informed the Board that the physician assistant rules were rejected because of the fee involved with the application. They have been repealed and a new version needs to be adopted. The only changes are that the fee for prescriptive authority has been removed and the

requirements for prescriptive authority were moved to a different subsection, rather than under the requirements for licensure as a physician assistant.

The Board moved to readopt the rules as revised.

Akre/Allen, 4/0/0

There being no further business the Board adjourned at 5:45 p.m.

A handwritten signature in black ink, appearing to read "Stephen Huddleston", written over a horizontal line.

Stephen Huddleston, J.D., President

Thomas Akre, D.O., Secretary